

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 20, 2001**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and C. Hon, Deputy Clerk.

Each of the following:

B135645 People v. Hamilton  
B136857 People v. Roger B.  
B139676 People v. Percy  
B139687 People v. Kennedy  
B140761 People v. Thomas  
B141261 People v. Gregory  
B141945 People v. Ascot  
B142005 D.C.F.S. v. Kimberly S.  
B142210 People v. Boycan  
B142594 People v. Sergio P.  
B142603 People v. Flores  
B142801 People v. Nunez  
B142986 D.C.F.S. v. Lorenza R.  
B143239 D.C.F.S. v. Andrea H.  
B143436 People v. Lewis  
B143747 People v. Ridgeway  
B143840 D.C.F.S. v. Sheri M.  
B144304 D.C.F.S. v. Ervin B.

Argument waived, cause submitted.

DIVISION ONE (Continued)

B140143     People  
              v.  
              Jackson

Merits:

Argued by John L. Staley for appellant and by Michael Whitaker, deputy attorney general, for respondent. Cause submitted.

B142720     Los Angeles County, D.C.F.S.  
              v.  
              Heather B.  
              Shannon R.

Merits:

Argued by Merrill Toole for appellant and by Judith A. German, deputy county counsel, for respondent. No appearance for respondent Shannon R. Cause submitted.

B131540     Toro  
              v.  
              Southern California Telecommunications Distributors et al.

Merits:

Argued by Shahram Shayesteh for appellant and by Kenneth E. Johnson for respondents. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

B143337     Tahoe Beach And Ski Club Homeowners Association  
              v.  
              Franchise Tax Board

Merits:

Argued by James M. Baynes for appellant and by Thomas G. Heller, deputy attorney general, for respondent. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

DIVISION ONE (Continued)

Ortega, J. leaves the bench.

B143731     D.C.F.S. v. Lynnette C.  
B146249     In re Lynnette C. on Habeas Corpus

Merits:

Argued by Lori Fields for petitioner and by Gary P. Gross, deputy county counsel, for respondent. Cause submitted.

B133400     Pinnacle Realty Management Company et al.  
                 v.  
                 Dominion Dakota et al.

Merits:

Argued by Stanley G. Romans for appellants and by Norman J. Baer for respondents. Cause submitted.

Ortega, J. returns to the bench.

B129670     People  
                 v.  
                 Johnson et al.

Merits:

Argued by John Lanahan for appellant and by David Wildman, deputy attorney general, for respondent. No appearance for appellants Pugh and Johnson. Cause submitted.

Spencer, P.J. leaves the bench.

DIVISION ONE (Continued)

B144465      Advanced Bionics Corporation et al.  
                 v.

                 Medtronic, Inc.

B144920      Medtronic, Inc.

                 v.

                 Superior Court Of Los Angeles County

                 Advanced Bionics Corporation et al. (r.p.i.)

Each:

                 Merits:

                 Argued by Roman M. Silberfeld for appellant and by Robin Meadow for  
                 respondents. Cause submitted.

Spencer, P.J. returns to the bench.

B139868      Larson as Trustee, etc.

                 v.

                 Williams

                 Hall et al.

                 Merits:

                 Argued by Michele S. Patterson for appellants, by Stephanie R. Williams  
                 for amicus curiae Trainotti and by Carol A. Churchill for respondent.  
                 Cause submitted.

B146051      Kemmara et al.

                 v.

                 Alcoholic Beverage Control Appeals Board et al.

                 Merits:

                 Argued by Armando H. Chavira for petitioners, by James Parrinello for  
                 amicus curiae 7-Eleven Inc. and by Mark R. Beckington, deputy attorney  
                 general, for respondents. Cause submitted.

## DIVISION ONE (Continued)

B131559 City Of Vernon  
v.  
Public Utilities Commission  
(The Atchison Topeka And Santa Fe Railway, r.p.i.)

Merits:

Argued by Eduardo Olivo for petitioner, by Dale Holzschuh for respondent and by John C. Nolan for real parties in interest. Cause submitted.

Court adjourned at 12:38 P.M.

B107857      Coe      (Not for Publication)  
v.  
City of Los Angeles et al.

We affirm the order of dismissal as to the City defendants. We also affirm the judgment in favor of the DOJ defendants. Defendants are awarded their costs on appeal.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B134562      Tempkin      (Not for Publication)  
v.  
Kaplan

We affirm the judgment and the challenged orders. Defendants are entitled to their costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

DIVISION ONE (Continued)

B134887      Kotkin & Toch, M.D.s      (Not for Publication)  
v.  
Greater El Monte Community Hospital, Inc.

We reverse the judgment. The matter is remanded to the trial court to vacate the settlement and set the case for trial. KT is entitled to its costs.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B141743      People      (Not for Publication)  
v.  
Cai

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

B142923      People      (Not for Publication)  
v.  
Cole

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

DIVISION TWO

B142380      Baca  
v.  
Williams

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION THREE

B135760 People  
v.  
Norman Cleotis Tucker

Filed order denying petition for rehearing.

B139357 People (Not for Publication)  
B141415 v.  
Jordan

The judgment is affirmed; the habeas corpus petition is denied. The trial court is ordered to correct the abstract of judgment as indicated in this opinion and forward an amended copy to the Department of Corrections.

Klein, P.J.

We concur: Aldrich, J.  
Fidler, J. (Assigned)

[illegible]

The judgment is reversed. Each party shall bear its own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Perluss, J. (Assigned)

DIVISION THREE (Continued)

B140917      Los Angeles County, D.C.F.S.      (Certified for Publication)  
v.  
Richard A.

The petition for writ of mandate is granted. The alternative writ issued on September 29, 2000, is hereby discharged. Let a writ of mandate issue directing the superior court to vacate the orders entered which place the children in a home in which Robert M. resides or which affords him significant contact with the children, and to enter a new order removing the children from the home of Delores M. and placing them in a suitable home. The superior court is further directed to vacate the order granting Delores M. guardianship over the children.

Aldrich, J.

We concur: Klein, P.J.  
Perluss, J. (Assigned)

DIVISION FOUR

B137266      Jefferson      (Not for Publication)  
v.  
Jefferson

The order is affirmed. Respondent is to have her costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.



March 20, 2001-Continued

## DIVISION FOUR (Continued)

[illegible]

The order is affirmed. Respondent is to have her costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B140096      Azami      (Not for Publication)  
v.  
Sutherland

The order is affirmed. Parties are to bear their own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B138197 Gibson (Not for Publication)  
v.  
Cleveland Chiropractic College

The order of dismissal is reversed as to the first and third causes of action against Cleveland Chiropractic College; in all other respects, the order is affirmed. Appellant is to have her costs on appeal against Cleveland Chiropractic College.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

DIVISION FOUR (Continued)

B136617      Romo      (Certified for Publication)  
v.  
Y-3 Holdings, Inc.

The order denying arbitration is affirmed. Costs are awarded to respondent.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B135691      Sanders      (Not for Publication)  
v.  
JRB Enterprises

The order denying the petition to compel arbitration is reversed. JRB is to have its costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B141167      People      (Not for Publication)  
v.  
Brown

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FOUR (Continued)

B139867      People v. Yoon      (Not for Publication)  
B146331      In re Taek Sang Yoon on Habeas Corpus

The judgment is affirmed, the petition for writ of habeas corpus is denied.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                 Hastings, J.

DIVISION FIVE

B143615      Save the Sunset Strip      (Not for Publication)  
                 v.  
                 City of West Hollywood

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur:    Grignon, J.  
                 Weisman, J. (Assigned)

B143000      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Tyrone P.  
                 In re Immanuel P.

The judgment as to Immanuel is affirmed. The appeal of the orders concerning Ty-Alexandria, Susan, and Jennifer is dismissed.

Grignon, J.

We concur:    Turner, P.J.  
                 Armstrong, J.

## DIVISION FIVE (Continued)

B139862      Thomas M. Eells  
v.  
Willliam Kwok et al.

Filed order denying petition for rehearing.

B139331      Mary Asta  
v.  
Alamo Rent A Car, Inc.

Filed order denying petition for rehearing.

DIVISION SIX

B141556      Mirzai      (Not for Publication)  
v.  
Priest et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Yegan, J.

We concur:    Gilbert, P.J.  
                      Coffee, J.

B144454 People (Not for Publication)  
v.  
Paszkiewicz

The order revoking probation is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

March 20, 2001-Continued

## DIVISION SIX (Continued)

B143885 People (Not for Publication)  
v.  
Pennington

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B134650      Woodward      (Not for Publication)  
v.  
Kaiser Foundation Hospitals, Inc.

The judgment is affirmed. Woodward is awarded attorney's fees and costs on appeal, in an amount to be determined on motion in the trial court. (Gov. Code, § 12965, subd. (b); Cal. Rules of Ct., rule 870.2, subd. (c)(1).)

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B141222 Sanabria et al. (Not for Publication)  
v.  
The Regents of the University of California

The judgment is affirmed. Costs are awarded to respondent.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

March 20, 2001-Continued

**DIVISION SIX (Continued)**

B137993      People                                  (Not for Publication)  
v.  
Sanchez et al.

The judgments are affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

B141426      People  
v.  
Tovar

Petition for rehearing is denied.

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The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

March 20, 2001-Continued

## DIVISION SIX (Continued)

B139337 Hansen (Not for Publication)  
v.  
Hansen

The judgment dated December 15, 1999 and the order dated February 25, 2000 are affirmed. Each party shall bear his or her own costs and attorney's fees on appeal.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

## DIVISION SEVEN

B126903      Coppola et al.      (Not for Publication)  
v.  
Warner Bros., Inc.

The judgment in favor of Coppola and against Warner is reversed. The case is remanded for entry of judgment in favor of Warner and against Coppola. The appeal of Coppola from judgment notwithstanding the verdict on the issue of punitive damages is dismissed. Warner shall recover its costs on appeal.

Stoever, J. (Assigned)

We concur: Lillie, P.J.  
Woods, J.

B142067	King v. Charter Communications Entertainment
B144229	King v. Charter Communications Entertainment

Filed order consolidating above captioned appeals.